

COMMISSION CONFERENCE**JULY 18, 2000**Agenda
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Present: Mayor Naugle
Commissioners Hutchinson, Katz, Moore (2:07) and Smith (2:50)

Also Present: City Manager, City Attorney, City Clerk and Police Sergeant

Mayor Naugle advised that Commissioner Smith had requested that Item Nos. I-A and I-D be postponed until he arrived at the meeting. It was agreed.

I-B – Broward Committee for U.S. Soccer National Training Center

A presentation was scheduled by the Broward Committee for U.S. Soccer National Training Center on its development plan for the creation of the National Training Center on the City's stadium properties at Executive Airport.

Mr. Jim Blosser, of the Broward Committee for U.S. Soccer National Training Center, introduced *Mr. Ben Wagman*, President of the Soccer Federation, and several other members of the Committee. Mr. Blosser noted that some written materials had been distributed in this regard, and there had been supportive newspaper articles recently in the "Sun Sentinel" and "The Miami Herald." He advised that the Committee had been working diligently on the Request for Proposals (RFP) and the preliminary economic development study, and he expected the economic impacts of this proposal to be very favorable to the community.

Mr. Blosser reported that the Committee had received a great deal of cooperation from the City Manager and his Assistant, and he requested a vote of confidence from the City Commission for this project. He also asked the Commission to commit to the lease of the 50-acre stadium properties for this purpose, if the Committee could develop a satisfactory feasibility study and financial plan for submission to the U.S. Soccer Federation by September 30, 2000. Mr. Blosser noted that the time frame was very short.

At 2:07 P.M., Commissioner Moore arrived at the meeting.

Mr. Blosser stated that if the Commission approved a good faith resolution for the lease of the property, the Committee would also present requests to the School Board and the Broward County Commission. He explained that the School Board had a lease on the property, and there were various interests in the property, but the process had to be started somewhere. Since the City had the principal ownership interests, he felt this was the proper place to start.

Mr. Jack Osterholt believed the Commission was very familiar with the site. He stated that the property fell into two pieces – a public area used for parking, and the 20,000-seat stadium. Mr. Osterholt displayed a sketch of the site and pointed out the practice facilities, fields, office space, track, and medical facilities. Mr. Osterholt stated that this was a unique project and would, in fact, be the first of its kind in the hemisphere. He believed this would put Fort Lauderdale in the center of soccer in the United States because this would be the home of the Men's, Women's and Olympic National Teams, as well as all the major national teams. Therefore, they would all become residents of Broward County, and this would have a huge economic impact.

Mr. Blosser suggested this not be thought of as a sports facility in the traditional sense, but as an economic engine. He pointed out that this facility would generate "heads in beds," Airport and restaurant traffic, etc., with people coming into the facility from all over the world on a regular basis all year round. Mr. Blosser said this was primarily an economic issue, and it was a sports issue secondarily, and Olympic banners could be hung in Fort Lauderdale for the first time.

Commissioner Katz thought this was a great idea and supported it. She noted that several other cities were competing for this, but she thought it should be pursued. Commissioner Hutchinson agreed. The City Manager noted that he had recommended a \$25,000 contribution, subject to a contribution from the private sector. He felt the Commission should go forward with this, particularly since the highest and best use of this property had been a goal for some time.

Action: Approved.

**I-C – Southwest 2nd Street – Weekend Road Closure –
Temporary Removal of Parking Spaces**

A discussion was scheduled on a proposal from the Old Town and Riverwalk Merchants Association (also known as Himmarshee Village Association) to close Southwest 2nd Street, between 2nd and 4th Avenues, on Friday and Saturday nights between the hours of 6:00 P.M. and 4:00 A.M. or prohibit parking in this area, as requested by Commissioner Hutchinson.

The City Manager said this request had been brought forward by Commissioner Hutchinson, with the initial concern involving traffic safety and circulation. However, the request had gone beyond that, and there were some concerns about establishing precedents that could affect other entertainment areas. In addition, there were some concerns about whether or not this could fit within existing rules and regulations relating to the serving of alcoholic beverages out of doors. The City Manager explained that there were some established criteria and standards as well, but the matter was being presented for discussion. Commissioner Hutchinson wished to hear from the Chair of the Himmarshee Village Association.

Mr. Jim Carras, Chair of the Himmarshee Village Association, explained the request was for the City to examine the closing of Southwest 2nd Street, from the railway tracks to the old post office site, on weekends. He stated that the purpose was to address traffic congestion that occurred every Friday and Saturday night, particularly during the season, and pedestrian traffic quickly overflowed into the street. Mr. Carras felt there was a traffic safety issue in terms of vehicles proceeding west from Southwest 2nd Street and over the tracks. Many exceeded the speed limit, which he thought created a pedestrian safety and liability issue.

Mr. Carras said there was another issue involving economic development. He advised that as of October, there would be 20 restaurants, cafes and entertainment establishments in Himmarshee Village. He stated that Southwest 2nd Street had become Fort Lauderdale's version of Orlando's Church Street Station, and most communities had a local entertainment/restaurant district. In Fort Lauderdale, there was also the added excitement of the institutional loop with the Museum, the Performing Arts Center, the Historic District, and the Riverwalk.

Mr. Carras felt this was an important area and the “linchpin” of the downtown. He expected more growth as well, but the traffic congestion on Friday and Saturday nights was extensive. The Association was trying to deal with it and had suggested closing the street on those evenings, but that idea had met with some opposition, particularly from the Las Olas Riverfront development. Mr. Carras thought some of the objectives could be achieved initially, on a trial basis, by considering closure of the parking lanes on Southwest 2nd Street. He advised that would add 8’ for pedestrian flow, and potential expansion for café and restaurant uses.

Mr. Carras stated that the Police Department had indicated expansion for café and restaurant uses could trigger some licensing issues, particularly related to the serving of alcohol. He said that matter would have to be explored. He also requested consideration of an exemption to the open container law, especially for that part of the area outside the Special Entertainment District. Mr. Carras felt this was a unique area, but only part of it was within the designated Entertainment District. Therefore, open containers were not permitted, and there were some “loopholes” to address in that regard.

Mr. Carras requested that the parking lanes be closed on Friday and Saturday nights, for inclusion in the streetscape for café and restaurant usage to serve food and alcohol. He explained that City staff would have to work with the Association to determine the best method of accomplishing the goal.

Commissioner Katz wondered why the street could not simply be closed. She felt that was a cleaner approach that would have a better aesthetic appearance, and it appeared there was only one objection. It seemed to her that there would still be adequate access to the Las Olas Riverfront development, and she did not understand the problem. Commissioner Hutchinson agreed. She thought it appeared to be a simple matter to close the street, and there would still be access to all of the garages on 1st Avenue and ample access to the Riverfront. She supported a closure on a trial basis.

Commissioner Moore liked the idea of making the area more pedestrian-friendly, but he felt it also offered a distinct advantage to merchants in the area that was not offered in other areas. He was concerned about what would happen if groups of merchants in other areas, such as those along Las Olas Boulevard, wanted to close the streets in front of their establishments, too. He thought there would be similar requests from other business districts within 24 hours of this action. Commissioner Moore noted that there were also issues related to the open container law, and there were different issues associated with that in different areas, such as the beach.

Commissioner Hutchinson explained that if the road were closed, it would not be for tables and dining. It would be for safer pedestrian traffic as people crossed the road. Commissioner Moore did not know how this location differed from Las Olas Boulevard, and he recalled that parking on the street had been cited as a buffer to address pedestrian safety. Commissioner Katz said she had visited the area on Friday and Saturday nights, and there were swarms of people in the street, which was not the situation on Las Olas Boulevard. She wondered if the action could be tied to the existing conditions in an area.

Mayor Naugle saw no reason not to try the street closure on a trial basis. He noted that on-street parking during certain hours had ended up being the appropriate solution for conditions on Las Olas Boulevard. Commissioner Moore had no objection to a trial period, but he wondered how the City would address the “snowball” effect. He was sure that if he operated a restaurant, he would want the same consideration. Commissioner Moore also wondered if the City Attorney could provide some rationale about the uniqueness of this particular area.

The City Manager stated that in addition to the concern about other business districts, the Riverfront development had voiced opposition to a road closure. Further, there had been opposition from the County, the Museum, and the Performing Arts Center. Therefore, it was not just business interests who had objections to a closure. The City Manager felt staff should be given more time to examine these issues further. He pointed out that in addition to the possibility of setting a precedent, there were other rules and regulations peculiar to the Himmarshee area as an entertainment district that already set the area apart. For example, there were no parking requirements, and they were permitted greater hours of operation within the Entertainment District. Therefore, even on a trial basis, he felt there would have to be more thought given to how this could be done.

Mr. Carras reported that a meeting had been held on July 10, 2000, and the only vocal opposition had been aired by the Las Olas Riverfront. However, the Police Department, the Downtown Development Authority, the Performing Arts Center and the County had been represented at that meeting. Mayor Naugle understood there had been no communications of opposition received by anyone other than the Swerdlow Group. He did not believe any of the elected officials had received any complaints.

Mr. Peter Partington, Engineering Design Manager, advised that there had been representatives of the DDA and the Performing Arts Center at the meeting, and he did not believe they had taken a formal position in this regard. However, they had not made any strong statements of opposition either. Mr. Greg Kisela, Assistant City Manager, believed that meeting had been started to discuss the closure of 2nd Street, but it had evolved to a compromise position related to the closing of the parking lanes. At that point, there seemed to be consensus, but the meeting had progressed from one concept to the other. However, it was his understanding that there had been concerns from the County and the Performing Arts Center about the complete closure of 2nd Street. He did not believe there were concerns about closing the parking lanes.

Mr. John Levinson, of the Museum of Discovery & Science, stated that the Museum had not taken a formal position in this regard, but he did not believe there would be opposition to a closure.

Mr. Jerry Sternstein, DDA, said the DDA had not discussed this in great detail. It had been his understanding that the July 10, 2000 meeting and this meeting were opportunities for discussion only. He stated that several of the DDA Board members had concerns about closure of the street and the impact on traffic, and he did not feel he was in a position to provide an endorsement at this time.

Commissioner Moore suggested that the DDA, the Museum, the Performing Arts Center and the County be requested to take official positions in this regard. He felt the Swerdlow Group had a right to be concerned. He believed the Commission could take the subject up on September 6, 2000 after official positions from the various parties had been obtained.

Commissioner Katz understood the Police Department also had some concerns. The Police Chief explained that the Department did not have concerns about the concept itself. However, it would be necessary to work with the Merchants Association and other stakeholders to address some of the related issues. He pointed out that the Special Entertainment District Overlay had some disjointed boundaries, and there was the acknowledged issues relating to open containers being carried. The Police Chief thought it would be appropriate for the parties to work together toward a solution that would satisfy everyone, even if it took a few weeks.

Commissioner Hutchinson supported Commissioner Moore's suggestion. It was the consensus of the Commission to schedule the subject for discussion on September 6, 2000.

Mr. Carras added that Himmarshee Village had been working with the DDA about future improvements, and a preliminary master plan for the area was being developed to improve pedestrian flow, etc. He believed this area was an asset to the City and needed certain improvements, and the DDA had conceptually endorsed that concept. Mr. Carras advised that Himmarshee Village would be working with DDA consultants and City staff over the summer toward that end. He stated that the intent was to address long-term needs and not just the immediate potential economic gain.

Commissioner Hutchinson said she would also like some information on September 6th about the "spotty" configuration of the Entertainment District Overlay. She had not been a member of the Commission when it had been established and thought that information would be helpful.

Action: Subject to be placed on September 6, 2000 agenda.

I-E – Enterprise Zone (EZ) Loans – Courtney Case and Canvas Films

A discussion was scheduled on the proposed EZ loans for Courtney Case and Canvas Films. Mayor Naugle was satisfied with the information provided in the back-up material as to both projects.

Commissioner Moore was still uncomfortable with the Case loan because he did not feel it was an appropriate use of these funds. He noted that the file contained nothing about employment to be generated, and there was no contract on leased space. Commissioner Moore felt this was very different than the application associated with the Laundromax. He said he had tried to contact Union Bank today to get an understanding about the extension, and the back-up material indicated a problem with the lots.

Mr. Courtney Case, applicant, advised that the issue with the lots had been resolved. Commissioner Moore asked if there was a tenant. Mr. Case replied that an insurance company and a Dollar Store proposed to occupy the property, but he had not been able to execute a lease yet because he did not own the property yet.

Dr. Michael Rechter, said he intended to lease 2,000 square feet of the 8,000 square feet space and would begin with about 4 employees. He noted that an MRI facility had also expressed interest.

Commissioner Moore felt this particular loan program was intended to address developers who used the property and created jobs. He did not see that here. Mr. Case said he was also considering opening a beauty supply store in this location himself. Mayor Naugle noted that one option was to approve the Canvas Films loan now and defer the Case loan until October 1, 2000.

Mr. Anthony Foy and *Mr. Phillip Reusch*, co-owners of Canvas Films, were present. Mr. Foy stated that the intent was to operate an independent film company. He stated that the business had been operating for about 3 years and would be the owner/occupant. Mr. Foy advised that many of the employees functioned as sub-contractors, but there would be full-time jobs as well. Mr. Reusch estimated that 100 people would be employed.

Commissioner Moore asked if there were sufficient funds remaining for both of these loans. Ms. Eve Bazer, Enterprise Zone Manager, replied that Canvas Films was requested \$225,000, and there was \$231,000 available now. If the Commission wished to approve the Case loan, she said it would have to be funded in the next fiscal year. Commissioner Moore understood Mr. Case needed some sort of commitment in order to ensure financing, and he asked staff to work with his banker to request that the loan be extended so this could be addressed in October.

Mr. Case advised that he had spoken to his bank, and a bridge loan had been arranged to October. He did not have that arrangement in writing yet, but the banker was on the phone. Commissioner Moore suggested that Mr. Case apply for the loan on October 1, 2000 when the funding was available in the next fiscal year cycle. In the meantime, he was prepared to go forward with the Canvas Films loan now as the candidate was ready to provide 100 jobs.

Commissioner Katz had a concern about the contract with Canvas Films and the seller of the property. It seemed as if the City would be in third place in terms of the mortgage. She wondered if either of these applicants would be willing to provide some personal guarantees. Mr. Bob Dunckel, Assistant City Attorney noted that the contract in the back-up material showed the City in the third position, but staff's recommendation was that the loan be made on the condition that the City be in second place. Mr. Foy stated that the City was now in the second position on the mortgage.

Mr. Dunckel stated that the property cost was \$1 million, and \$750,000 would be provided with a purchase money mortgage to the seller, and another \$250,000 coming from the City. Earlier this afternoon, he had spoken with the seller to negotiate an option to purchase the property for \$750,000 if there were a foreclosure. A counterproposal had been offered in which the City would have an option to purchase the mortgage for the unpaid principal balance. The option would be available for 3 years with a 90-day period to exercise the option from the date of notice of default. Mr. Foy advised that he also planned to invest \$300,000 in the building itself, and a total of \$1.2 million in the area. Mayor Naugle asked Mr. Foy and Mr. Reusch if they would personally guarantee the loan. They replied they would.

Mr. Pete Witschen, Assistant City Manager, stated that the lender had indicated that a contingent extension of the deadline could be made for the Case loan.

Commissioner Moore felt it would be appropriate to approve the loan to Canvas Films at this time. Mayor Naugle noted that the Case loan could also be approved, subject to the bank extending the loan deadline so that funding could be provided on October 1, 2000, provided everything was in order. He advised that Commissioner Smith had also expressed support for this in the past, and the applicants had agreed to personal guarantees.

Action: Formal action to be taken at Regular Meeting.

At 2:50 P.M., Commissioner Smith arrived at the meeting.

I-F – Municipal Special Election – District III City Commissioner

A discussion was scheduled on the timeline of the municipal special election for District III City Commissioner. Mayor Naugle noted that in order to have a vacant seat for the least time possible, the Commission could adopt a resolution on September 6, 2000 calling for a qualifying period from September 18 to September 29, 2000. The primary election could then be held on November 28, 2000 with a runoff election, if necessary, on December 12, 2000. In that fashion, the new Commissioner could take office on December 19, 2000. Mayor Naugle noted that this would leave the seat vacant for only one meeting.

Commissioner Moore understood this timeline was Mayor Naugle's suggestion, but he wondered if the City Clerk had an opinion on the schedule. The City Clerk stated that the Charter required that the primary election be held no later than January 18, 2001. Mayor Naugle advised that the earliest date would be November 22, 2000, but elections were traditionally held on Tuesdays, and that date was a Wednesday. The City Clerk added that the latest date for adoption of a resolution calling for the election would be November 21, 2000. She explained that the Charter called for an election within 60 days of a vacancy, but no less than 45 days after adoption of the resolution calling the election.

Commissioner Moore asked the City Clerk what the earliest Tuesday date for an election might be, and she believed it would be November 28, 2000. Commissioner Moore inquired about the qualifying period for that timeline. The City Clerk advised the qualifying period should conclude at least 3 weeks and, preferably, 4 weeks before the election date.

Commissioner Moore wondered about the qualifications for candidates. The City Clerk advised that candidates had to be over 21 years of age; a registered voter; a resident of Fort Lauderdale for six months prior to qualifying; and, had to live within the district on the day one qualified. Commissioner Moore understood everyone in the district could run. The City Clerk agreed that was true provided they had lived in Fort Lauderdale for 6 months, were over 21 and were registered voters.

Commissioner Moore asked the City Clerk who would not be qualified. The City Clerk replied that felons could not qualify. Commissioner Moore understood the only people who would not qualify would be felons and himself. Mayor Naugle did not understand why Commissioner Moore would not qualify. He advised that the qualifying period would end 4 weeks before November 28, which would make him a candidate in two races at the same time.

Commissioner Moore pointed out that Golden Heights was going to be annexed into District III on September 15, 2000. He wondered if that community would be excluded from offering a candidate because of the residency requirement. The City Attorney replied it would. Commissioner Moore thought a timeframe most beneficial to the taxpayers of the City should be considered. Mayor Naugle believed that would delay an election to six months after September 15, 2000.

Commissioner Moore suggested an October date for adoption of a resolution calling for an election. The qualifying period would run from October 17 to 31, 2000, and the primary election on December 12, 2000. The City Clerk advised that the qualifying period could be as short as 2 weeks.

Mayor Naugle understood the County election was scheduled for November 7, 2000. Therefore, a qualifying period for the City seat until November 8, 2000 would accommodate Commissioner Moore. The primary election could then be held on November 28, with a run off, if necessary, on December 12, 2000. Mayor Naugle said he did not want the seat to be vacant for too long, but this would satisfy Commissioner Moore.

Commissioner Moore said he had examined the City's past history of filling vacant seats, and the longest time between a resignation and filling the seat had been 78 days. Mayor Naugle believed that had been the result of a surprise resignation involving Commissioner Danziger, and there had been no time for planning. That was not true in this case. In this case, he pointed out that the election could be held on November 7, 2000 to save the taxpayers the \$40,000 cost of two elections.

Commissioner Moore suggested a qualifying period ending November 14, 2000 so someone could be in office by December 19, 2000. The City Clerk did not know that 2 weeks would be enough time between the end of the qualifying period and the election. It was the consensus of the Commission to end the qualifying period on November 8, 2000. The City Clerk felt an election date of December 5 would be necessary in that case. It was agreed, and it was the consensus that a run-off be scheduled for December 19, 2000. Mayor Naugle noted that the new Commissioner would not be able to take office until January. It was agreed after additional discussion. The City Attorney noted that a special meeting of the City Commission could be called to seat the new Commissioner on December 20, 2000.

Action: Qualifying period to end on November 8, 2000; Primary Election to be scheduled for December 5, 2000; and, Run-Off Election to be scheduled, if necessary, for December 19, 2000.

I-A – Budget Message

A discussion was scheduled about the City Manager's proposed operating budget for Fiscal Year 2000/2001. Also see Item R-1 on the Regular Agenda. Mayor Naugle noted that the budget message had been provided in writing. The City Manager announced that the budget was available on the City's web site, and in hard copy at the libraries. He advised that there were several corrections to make to the budget message. Although none were substantive, the City Manager desired to make corrections for the record.

The City Manager referred to page 4 of the budget message listing various parks and recreation projects. He stated that Item 3 involved a project along 441, extending from Riverland Road to Davie Boulevard, instead of as indicated from Commercial Boulevard to Cypress Creek Road. In addition, on page 7, a figure relating to subsidizing the Swimming Hall of Fame had shown \$800 million, but the correct figure was \$800,000. The City Manager advised that page 13 related to amounts receivable from Broward County. He explained that the amount considered "uncollectible" was subject to City Commission approval under the Charter.

At 3:15 P.M., Commissioner Smith left the meeting. He returned at 3:17 P.M.

The City Manager stated last year's budget was \$331 million, and this year's proposed budget amounted to \$334.5 million. He acknowledged there was a slight increase. The City Manager said this would be an effective increase of about 8%, but the millage rate would be essentially the same. The City Manager reported that the tax rate would remain the same at 5.9664 mills, with a slight shift upward for operating expenses, and a shift downward in terms of debt service.

The City Manager stated that property taxes would provide approximately \$68.4 million, or 38% of the overall budget. Franchise fees and utility taxes would provide the rest of the money to balance the budget. He reported that resources would be directed toward priorities established by the City Commission and the community, with about half directed toward police and fire/rescue services. The City Manager noted that a great deal of emphasis was also being placed on areas with a "people focus," such as parks and recreation and its associated programming.

The City Manager stated that the organizational alignment was still a work in progress, but some efficiencies and greater effectiveness had been realized as discussed in the past. Last year, the Community Area Planning (CAP) process had been initiated, and work was progressing in that direction. The City Manager advised that the EMS transition would be effective on October 1, 2000, and some comparative data was being compiled in terms of response time as requested by the Commission. He added that the budget included the 5% anticipated increase in the fire/EMS assessment, as presented last year for implementation.

The City Manager advised that the City had received some grants in the past that had enabled the community policing initiative, and there had been a 25% reduction in most of the major crimes. He explained that in order to continue that level of service, the City would have to pick up some of the costs no longer funded with federal grants. The City Manager noted that the Wingate project would be initiated, and future development guidelines were underway on the basis of community input.

The City Manager noted that a \$4.1 million contribution to the Capital Improvements Program (CIP) was proposed this year, and technology for e-commerce would be further explored with a budget of \$100,000 to move in that direction. Nevertheless, public safety and recreation would have the greatest focus. He explained that he had first examined those things mandated by law; then, those things that were essential; and, finally, those things that affected the quality of life in the community.

The City Manager noted some highlights contained in the budget, including overtime for police and fire services, and more money for recreation programming. He also pointed out that all 3 of the bargaining unit contracts were open for negotiation this year, and that had also been included in the budget. The City Manager said that there had been some issues beyond the City's control, such as changes to franchise and utilities fees, and increased costs for fuel.

The City Manager stated that for the average \$150,000 home, with a Homestead Exemption, City property taxes would be \$2 higher than last year. In addition, there would be a \$1.29 increase in monthly costs for water and sewer, and an increase of \$.55 per month for sanitation fees. Altogether, the cost would be another \$50 per year for payments to the City on average. Nevertheless, he believed this budget would address the priorities of the City Commission and the community with the resources available. The City Manager noted that the budget could not fund all the long-term goals of the City, but he felt represented reasonable progress.

The City Manager stated that public hearings were scheduled on the budget on September 11 and 19, 2000, so there were 7 weeks to review the budget documents. He advised he would be available to meet with Commissioners individually, and some community meetings had been scheduled to present the budget.

Commissioner Smith wondered if there was \$15,000 in the budget to fund traffic modifications the Commission had discussed. The City Manager stated that completion of the CIP programming was usually done in the fall, although over \$4 million would be contributed to the overall CIP program.

Action: Approved.

I-G – Rio Vista Development Modification Study (RS-8 Properties)

This item had been withdrawn from the agenda. Mayor Naugle noted that there were a lot of people present in this regard. Commissioner Hutchinson said she had attended a rally hosted by the Rio Vista Civic Association on Saturday, and she believed there was consensus on this study. Mr. Pete Witschen, Assistant City Manager, reported that the Rio Vista Civic Association Board had met on Monday night, and they felt a neighborhood town meeting should be held before City Commission discussion in order to build greater consensus.

Mr. George Niarchos, 22-year resident of Rio Vista and a member of the development Modification Committee, strongly supported the Rio Vista Development Modifications. He explained that the Committee had sponsored the rally mentioned by Commissioner Hutchinson, and it had been well attended with almost 200 people. Mr. Niarchos stated that the Committee had worked closely with staff and the neighborhood over the past year establishing the composition of the “dry lot overlay area.” Staff had found that 88% or 496 properties were 24’ high or less; 12% or 63 properties were 25’ to 35’ high; and, the proposed building modification proposed a maximum of 28’ in height. In addition, consensus had been reached to increase setback requirements to allow greater buffer and green space.

Mr. Niarchos stated that the Rio Vista neighborhood had to deal with developers who wanted to “cash in” by putting as many square feet as possible on the smallest piece of land allowed. He said that 3,500-square foot homes with heights of more than 30’ on 50’ lots did not work well for the neighborhood. He advised that Mayor Naugle and Commissioner Hutchinson had indicated at the rally that they favored preserving the neighborhood’s character, and that would require change, and the change itself would evolve through the process. Mr. Niarchos hoped the City Commission would impose a moratorium on any new building in Rio Vista for the next 3 or 4 months to allow the process to “run its natural course.”

Mr. Niarchos noted that a lot of communications had been forwarded to the City Commission by neighborhood residents, and one was from a neighborhood architect who had indicated that “more was less” in terms of less space between buildings and fewer trees. He felt the modifications to the Code would preserve the intimate scale and character of the neighborhood.

Mr. John Wilkes, member of the Board of the Rio Vista Civic Association, said he was not present to speak either for or against this proposal. However, this proposal had not been approved by the Association Board yet, and he felt the matter should be deferred until public forums had been conducted. He felt the proposed changes should be published in the Association newsletter, followed by a forum attended by professionals who could respond to questions from residents. Mr. Wilkes pointed out that the notice about the rally had contained no information about reducing the heights of buildings or increasing setbacks, and he felt it had fallen far short of reasonable notice. He had been advised that this item had been withdrawn from the agenda, so he legally opposed any action on this item today.

Commissioner Hutchinson asked Mr. Wilkes to make sure the neighborhood meeting was not held on the same evening as the City Commission meeting on September 6, 2000. Mayor Naugle asked that the meeting also be posted so more than one Commissioner could attend. He noted that there was a bit of urgency in this case because the character of the neighborhood was changing rapidly.

Mr. Bill Duvall wondered what the intent of a Conference discussion would have been, and Mayor Naugle advised it might lead to staff direction to prepare an ordinance for first reading at the next meeting. Mr. Duvall felt everyone should agree that staff would continue to work with the Association's Committee, at least, and he noted that there had been at least 10 meetings of the Committee already. He suggested that some alternative proposals be presented to the community as opposed to a single proposal that would lead to a major disagreement. Mr. Duval noted that a lot could be accomplished in terms of public input at the Committee level.

Commissioner Katz thought the Committee should report back to its Board which, in turn, would make a determination and present a proposal to the neighborhood for discussion. Once the whole neighborhood had heard all the pros and cons, the proper direction could be taken. Commissioner Hutchinson thought something similar had been done in Coral Ridge. Mayor Naugle recalled that Coral Ridge had rezoned from RS-8 to RS-4.4, which had a larger minimum lot size and greater setback requirements. In that case, the subcommittee had suggested an overlay that could be applied to other neighborhoods as well, if desired.

Ms. Sheri Niarchos stated that the Committee had been formed at a general meeting of the Civic Association over a year ago. Since that time, the Committee had worked with staff and conducted surveys, and then the Committee had reported back to the Board on several occasions while working at a very quick pace. She agreed with Mayor Naugle that time was important in this case. *Ms. Niarchos* read aloud a letter from the Board of Directors, and there was consensus that development was "breathing down their backs," and something had to be done now. She found it curious that the Board seemed to be rescinding its stated support and endorsing a delay. *Ms. Niarchos* felt delay could only invite more development at a quicker pace.

Mayor Naugle understood the neighborhood would hold its forum, perhaps on September 5, 2000, or on some date other than September 6, 2000. Commissioner Hutchinson understood the matter would come back to the City Commission at a Conference meeting following the neighborhood's meeting. The City Manager agreed and suggested a September 19, 2000 tentative target date.

Ms. Carrie McCormick said she was building a house in the Rio Vista neighborhood, and she had not received notice about the proposal. Further, her parents owned property in the area and had not been notified. She felt there should be nonbiased discussion of this subject because she thought the Committee had gone off on its own and usurped the authority of the Board of Directors. *Ms. McCormick* was shocked the issue had reached this point without community consensus.

Mayor Naugle explained that before the City Commission could amend the Code in any way, there would have to be 2 advertised public hearings. At this point, someone was just coming forward with an idea that would have to go through a prescribed process. *Ms. McCormick* hoped that before a proposal was presented to the City, it would be supported by the neighborhood. It was noted that a public forum would be held at the beginning of September.

Ms. Georgette Sosa Douglas pointed out that there had been huge signs posted in the neighborhood. Mayor Naugle did not believe this issue could be resolved today, and there would be several more meetings held in this regard before any action was taken.

Action: Subject to be placed on September 19, 2000 Conference agenda.

I-D – Construction of Hampton Inn at 250 North Andrews Avenue

A discussion was scheduled on the proposed construction of a Hampton Inn to be allocated at 250 North Andrews Avenue. Also see Item M-27 on the Regular Agenda. Mr. Pete Witschen, Assistant City Manager, introduced *Mr. Bernard Wolfson*, President of Hospitality Operations, Inc., which had requested a donation of permit fees, Inspection costs, and a portion of the streetscape costs to assist in the building of a Hampton Inn Hotel. He explained that the Downtown Development Authority (DDA) had tentatively agreed to pay up to \$100,000 toward infrastructure improvements. Mr. Witschen was hopeful the incentive package would solidify the proposal to construct the 151-room Inn.

Mr. Wolfson said that 3 Hampton Inns had been developed in South Florida and displayed slides showing these structures. He believed downtown Fort Lauderdale was a viable location for one of these hotels, and he displayed photographs of the proposed site. He advised the Inn would contain 156 rooms, which was large, but the land was very expensive. Mr. Wolfson felt this would be ideal for the downtown area and would employ 50 or 60 people. In addition, there was an extensive training program for their staff.

Mr. Wolfson stated that the project would be very tight because the land was so expensive, and the cost of construction was expensive. He advised the DDA had been very helpful in providing ideas and a \$100,000 incentive for infrastructure. Mr. Wolfson was hopeful the City would provide some incentives through the waiver of the permitting fees. He estimated that cost at \$80,000. Mr. Wolfson also requested some streetscape improvements as well.

Commissioner Smith was overjoyed that a Hampton Inn would be constructed in this area. He asked if there would be a restaurant. Mr. Wolfson replied that this would be a limited service hotel without a restaurant or banquet rooms, although Continental breakfasts were served to guests without charge. He noted that there would be meeting facilities, but if food was desired, it would have to be catered.

At 4:05 P.M., Commissioner Hutchinson left the meeting. She returned at 4:08 P.M.

Commissioner Smith asked if the Inn would cater to the business traveler. Mr. Wolfson agreed a downtown location would cater more to business travelers, but he expected some leisure business with the Performing Arts Center, Museum, etc. in the area. Commissioner Smith asked if the land had been acquired yet, and Mr. Wolfson replied it was under contract. He advised that preliminary DRC review had already occurred, and plans were ready for submission for permitting. Mr. Wolfson hoped to start construction very soon.

Mr. Witschen stated that the incentive package involved groundbreaking by Thanksgiving with a 15-month construction period. Mr. Wolfson wanted the Inn to be completed by October or November of 2001. Commissioner Smith believed there were incentives for hiring people from within the CRA. Mayor Naugle advised there were tax advantages, etc., for hiring people from within the Enterprise Zone.

Commissioner Katz thought a downtown hotel was a great idea, but she thought the \$100,000 permit fee would be a “drop in the bucket” in terms of the total construction budget. She thought it might be better to use the \$100,000 for something in the community that would encourage more projects. It was Commissioner Smith’s understanding that there was a shortfall in the financial aspects of the project. Mr. Wolfson agreed that the original budget had been \$15 million. That had been reduced to \$14.3 million, and the project was short by \$400,000. Unfortunately, he only expected the incentive package to save \$209,000. He noted that this project did not have the “cushion” he was used to in other projects, and an internal loan was being provided.

Mayor Naugle was concerned about waiving permit fees as an incentive because it might set a dangerous precedent. He did not have any objection to the streetscape portion of the request, however. Mayor Naugle suggested the \$124,000 streetscape portion be offered, and then the developer could weigh his decision. He could not support contribution of permit fees because every other developer would want similar treatment.

Commissioner Smith felt that was shortsighted. He thought the City would reap tenfold benefits, and this was the development everyone in Flagler Heights had been waiting for. Commissioner Smith believed that if this developer was sent away, it would send the message that the Commission did not care about that area despite their words. Mayor Naugle believed the \$124,000 contribution would do it. Commissioner Smith did not think so.

Commissioner Katz wondered about staff’s position in this regard and whether or not this type of incentive had been offered elsewhere in the City. Mr. Witschen understood the concern, and staff had tried to present a package of incentives that were as “soft” as possible. He noted that if the hotel was not built at all, the City would not realize any permit fees, and the staff time involved in administering the permits were “soft” costs. Mr. Witschen stated that in the future, a package of incentives would be developed for use in the core CRA itself. He noted this property was about 100’ outside the CRA boundary, but he viewed it as an expression of interest that would bring redevelopment to the CRA. Mr. Witschen pointed out that jobs would be generated, and property taxes would accrue to the City of about \$50,000 per year.

Commissioner Hutchinson stated that some people at her recent district meeting had some concerns, but she had reviewed the material thoroughly and had to agree with Commissioner Smith. She felt there was a point when someone had to take the first step in redevelopment, and she favored this request.

Commissioner Moore said he shared Mayor Naugle’s concern about setting a precedent in terms of waiving permit fees. He had no objection to providing some sort of incentive, but he felt the right way to address this was to deal with job creation and investment in the area. Commissioner Moore did not think \$100,000 would prevent this project from going forward. Mr. Witschen stated that if the Commission had a problem with waiving permit fees but did not object to the dollar amount, staff could seek a different source.

Commissioner Moore wondered if the taxes could be waived for a period of time. The City Manager did not believe so, since that would involve entities other than just the City. Mayor Naugle wondered why efforts were not made to obtain QTI funding due to job creation. Mr. Witschen explained that hotels did not qualify. Ms. Constance Scott, Economic Development, said it was her understanding that the wages was the determining factor for qualification, and hotel wages apparently did not rise to that level.

Commissioner Katz suggested that the DDA pay the permit fees, and the City could provide the streetscape improvements. Commissioner Moore liked that idea. *Mr. Doug Eagon*, of the DDA, thought that might be workable since bond proceeds were not being utilized. He advised that the DDA was prepared to offer \$100,000, and he did not think there would be a problem with how it was spent specifically. Mayor Naugle said he would be more comfortable if the City contribution involved the streetscape.

At 4:22 P.M., Commissioner Moore left the meeting.

Mayor Naugle hoped the developer would not overlook the opportunity to wire all the hotel rooms for high-speed Internet connections.

At 4:24 P.M., Commissioner Moore returned to the meeting.

Action: Approved as discussed.

II-A – Museum of Discovery and Science

A report was presented by the Museum of Discovery and Science (MODS) on its progress in developing an overall expansion plan including use of the former United States Post Office site on Southwest 2nd Street and construction of a 500-space parking facility. The City Manager noted that a written report had been distributed, and Commissioner Hutchinson had requested information about the use of the post office site.

Mayor Naugle hoped all of the property would not be used up for a parking garage. Instead, he hoped for partnerships with the City, the Performing Arts Center, the DDA, etc. on parking. He pointed out that congestion in the area had been under discussion lately, and if the parking was moved to the outskirts of the district, it would be less congested. Mayor Naugle believed additional floors could be added to existing garages.

Commissioner Moore said he had been in support of this project because of the school, but now he had a different feeling. He had understood young people would be offered an opportunity to be stimulated by science, but that no longer appeared to be the case. Mayor Naugle did not believe that had been a choice. Rather, there had been a legislative veto. Commissioner Smith agreed with Commissioner Moore. He felt there had been three things underway and one had to go, so the school aspect had been eliminated. Commissioner Moore said that middle school had been the reason for his support. If the school was not part of this plan, he felt the opportunity should be reopened to other organizations.

Mr. John Levinson, Chairman of the Board for the Museum of Discovery & Science, acknowledged the Museum was not ready to open the school. He noted that the Charter School issue had been very controversial lately in Broward County. Mr. Levinson stated that the Museum did not yet have an appropriate facility for a school, but the idea had not been abandoned. At this time, there were various issues pending, so the items had been prioritized in order to deal with those before embarking on a new program.

Commissioner Moore believed a presentation had been made about a school in the same physical plant that existed then and still existed today. Mr. Levinson believed the intent had been to construct another facility at the Sun Trust property. Unfortunately, funding expected from the State had not been forthcoming, but there was other money from the State that had to be spent within a certain timeframe. He explained that the pending items had been prioritized on the basis of what made sense for the community, and the Museum had been fortunate in the hiring of a new CEO, Mr. Walter Howard. Mr. Levinson thought everything was back on track, and the Master Plan should be completed by January 31, 2001 as planned.

Commissioner Smith hoped the Museum would explore the middle school idea again before coming back to the Commission with the Master Plan in January. He thought there might be other entities with which the Museum could partner because the school had been the proposal he had found most exciting.

Commissioner Moore said he was willing to wait until January since Mr. Howard was the new CEO. However, there was money available for schools. In fact, the City of Pembroke Pines had been able to build schools. Commissioner Moore suggested the Museum explore the concept utilized in that case.

Mayor Naugle wanted to ensure Mr. Levinson was clear on the parking issue mentioned earlier. Mr. Levinson stated that the commitment made as to parking still stood. Commissioner Moore asked how long Mr. Howard had been the CEO, and Mr. Levinson believed he had only been onboard for about a month.

Action: Proposal to be presented in January.

II-B – Feeding of Raccoons at Hugh Taylor Birch State Park

A report was presented on a request from Hugh Taylor Birch State Park about proposed regulations to prohibit the public feeding of raccoons at the Park along Sunrise Boulevard in the vicinity of the City fire station, as requested by Mayor Naugle. Mayor Naugle thought there was a State or County law that prevented feeding wildlife. The City Attorney advised that he had researched the possibility and determined that there was currently not such a law. Mayor Naugle understood a local ordinance could be adopted prohibiting people from feeding wild animals. The City Attorney explained the problem was with how wide “the net was cast.”

Commissioner Moore wondered what the problem was exactly. *Mr. John Frosbutter*, Manager of the Birch State Park Recreation Area, stated that there had been problems in this regard for quite a few years, and the fire station had been one of the issues. He stated that this problem had expanded from the fire station area to the Park entrance and as many as 50 to 90 raccoons congregated. Mr. Frosbutter stated that people came to feed them and parked in such a way as to block the fire station or the Park entrance. Commissioner Moore pointed out that people could be ticketed for such violations. Mr. Frosbutter did not think people realized they were putting themselves at risk of being struck by cars or contracting diseases from the raccoons. Further, the raccoons were used to being fed and would approach pedestrians in large numbers who wanted nothing to do with them. He felt this was a health and safety problem.

Mr. Frosbutter stated that the raccoons could be trapped and relocated to other sites, but a number of sites would be necessary because of the number of raccoons in the Park. Commissioner Moore wondered if the raccoons, having become accustomed to being fed, would survive in another location. Mr. Frosbutter said that raccoons were very smart and extremely good at foraging. They were also very adaptable and would eat almost anything.

Mayor Naugle believed an ordinance could be adopted prohibiting feeding the raccoons. Signs could then be posted to that effect, and Fire Department personnel already on the site could bring the signs to people's attention. Mr. Frosbutter felt that would be one step to take, although he was not sure that would solve the problem completely. He also wanted to work with the City to develop an education program.

The Police Chief stated that Assistant City Manager Bentley had been working on this for several years, and he believed consideration should be given to relocating the raccoons. He advised that enforcement was provided in terms of blocking traffic, but large groups of people came on foot. If properly crafted for a specific geographical location, the Police Chief believed an ordinance would provide another tool for enforcement.

Commissioner Smith wondered if you could spay or neuter the raccoons to help thin out the population. Commissioner Moore questioned the seriousness of the issue, and Mr. Frosbutter advised there had been a bite recently, and the Health Department recommended rabies vaccinations even if there was only a scratch.

Mr. Hank Smith, of the Parks Service, described his background and experience as a biologist. He said he had been examining this issue for the past 7 years, and he advised that the maximum raccoon population in a 180-acre park should be 6 to 10. In this Park, they had reached very high densities because they had been fed, and the natural food base in the Park had been depleted by the raccoons as well. He stated there had been numerous bites over the past few years. Mr. Smith believed that prohibiting feeding the raccoons would eliminate a problem and help the citizens to see a true wildlife area.

Mr. Smith advised that rabies was not the only possibility. He stated there had been major distemper outbreaks, and a rabies outbreak would be an unmitigated ecological nightmare. Mr. Smith did not know how Fort Lauderdale would deal with it because he did not think the Parks Service would be able to. At the least, an animal with distemper often had the appearance of rabies, and the perception could be detrimental to businesses in the area. Mr. Smith said that sterilizing the raccoons was a possibility, but he was concerned about the precedent that might set throughout the Florida Parks Service System. He felt allowing people to feed wild animals and then controlling the population through sterilization would be inappropriate when simply stopping the unnatural feeding would help resolve the problem.

The City Attorney believed an ordinance could be drafted to prohibit feeding the raccoons, and signs could be posted so enforcement would be possible through civil penalties with monetary fines. The Police Chief noted that even if there was an ordinance and enforcement was aggressive with the assistance of the Parks Service, the existing raccoon population was already too large. He was concerned that if the feeding suddenly stopped, the raccoons would venture out into neighborhoods in search of food. Commissioner Moore pointed out that the population would be naturally reduced as the raccoons crossed Sunrise Boulevard.

Action: Ordinance to be drafted for presentation in September.

**II-C – Parks General Obligation Bond (GOB) Quarterly Report
Second Quarter 2000 (April to June)**

A status report was presented on the progress of the Parks GOB projects for the second quarter of 2000 (April to June).

Commissioner Smith inquired about Holiday Park. Mr. Tom Tapp, Director of Parks & Recreation, advised that the project was 5 months behind schedule. Mr. Pete Sheridan, Assistant City Engineer, was hopeful the project would be completed by mid-August. He believed the problems had been a lack of coordination with subcontractors, but the quality of the work had been good.

Action: Approved.

II-D – Interim Parking – Current Downtown Helistop Location

A report was presented on a proposal to create interim parking at the current downtown helistop location. Commissioner Smith wanted to use the property for a park. He did not think the adjacent metered parking lot was filled all the time. Mayor Naugle believed it could be used by the Las Olas Riverfront and the Himmarshee area.

Mr. Doug Gottshall, Parking and Central Services Manager, advised that staff had been approached by the Las Olas Riverfront about using the property for valet parking. He had discouraged that because it would necessitate crossing Broward Boulevard, but there was interest. Mayor Naugle inquired about the rate at the adjacent parking lot, and Mr. Gottshall replied it was \$.25 per hour.

Commissioner Moore did not object to a valet contract, but he thought the land should just be sold. Mayor Naugle stated that the whole block would ultimately be disposed of, but it was not yet time to go in that direction. He suggested that proposals be requested to see what interest in the property could be generated. Commissioner Smith pointed out that the Hampton Inn project would need a staging area. Mayor Naugle agreed that providing a staging area could be another incentive.

Action: Request for Proposals (RFP) to be prepared.

II-E – Purchasing Contract Extensions/Renewals

A report was presented on the Purchasing Division's upcoming contract extensions and/or renewals.

Action: Approved.

**II-F – Emergency Medical Task Force – Closing of Cleveland Clinic
(Emergency Room) on the Barrier Island**

A status report was presented on the closing of the Cleveland Clinic on the Barrier Island and the invitation to hold a proposed meeting of the Emergency Medical Task Force in the City. Commissioner Katz noted that the wrong City had been mentioned in the materials.

Action: Approved.

III-B – Advisory Board Vacancies

1. Aviation Advisory Board

Action: Deferred.

2. Budget Advisory Board

Action: Deferred.

3. Community Appearance Board

Action: Deferred.

4. Education Advisory Board

Commissioner Smith wanted to appoint Mr. Gil Borrero to the Education Advisory Board. Commissioner Moore suggested the appointment of Mr. Bruce Tyrrell.

Action: Formal action to be taken at Regular Meeting.

5. Historic Preservation Board

Action: Deferred.

6. Marine Advisory Board

Commissioner Hutchinson suggested the appointment of Mr. Robert Sadowski. It was Commissioner Moore's appointment, and he agreed.

Action: Formal action to be taken at Regular Meeting.

7. Unsafe Structures & Housing Appeals Board

Commissioner Katz suggested the appoint of Mr. Jim Rampe to this Board.

Action: Formal action to be taken at Regular Meeting.

IV – City Commission Reports

1. Emergency Room on Barrier Island

Commissioner Katz inquired about the status of an emergency room on the barrier island. She understood there had been problems about building anything on the barrier island, but the City's lobbyist had found a law indicating it might be a possibility. She hoped staff would continue to pursue this matter.

Mr. Mark Harrington, of the North Beach Island Alliance, stated that a Committee had been formed to help keep an emergency room on the barrier island, and the City Commission would be getting an A+ on an upcoming "report card." He advised that a hospital was possible on the barrier island, and he presented a petition containing about 10,000 signatures in support of this very important public health issue.

At 4:58 P.M., Commissioner Moore left the meeting.

Mayor Naugle believed Congressman Shaw had attended meetings with the Committee. Mr. Harrington agreed and noted that the petitions were also being sent to his office. He added that various EMS personnel had been in attendance at the meetings due to the real fear of not having an emergency facility on the island. Commissioner Smith thought the City should become officially involved, perhaps through some sort of task force to help the citizen group. The City Manager stated that the City had been officially involved since the Commission had raised the topic, and staff had been facilitating meetings and working with the lobbyist. He advised those efforts would continue and even be escalated.

Commissioner Katz asked that someone examine the two opinions. The Cleveland Clinic had been indicating one thing, while the lobbyist had indicated something else based on Florida Statutes. Mr. Harrington suggested conference with Jeff Greg as well. Commissioner Smith suggested that a Conference item be scheduled in September to coordinate all the information that had been collected.

Action: Subject to be placed on September Conference agenda.

2. Design Seminar

Commissioner Katz reported that a design seminar was being considered for the end of September at the Performing Arts Center. A tentative date of September 29, 2000 had been set, and various design professionals would participate from downtown areas all over the country.

Action: None.

3. Zoning Law in Maui

Commissioner Smith reported that he had recently vacationed in Maui, and he had learned the zoning laws in that location prevented building anything taller than a coconut tree. He also noted that while dogs were allowed on the beach, there were no pit bulls because they had been outlawed in Maui. Mayor Naugle believed there were similar laws about building height in Brazil.

Action: None.

4. Front Porch Designation

Commissioner Moore recalled that Fort Lauderdale had been designated as a "Front Porch" community for over a year, and he also recalled the idea of the City contributing \$10,000 to initiate the process. Although the Front Porch organization had not made a formal request, Commissioner Moore felt \$10,000 should be included in the budget to make sure the money would be available when it was necessary. He did not want the State to fail to act just because the City had not demonstrated its commitment.

Commissioner Smith asked what the \$10,000 would be spent on, and Commissioner Moore said it was to deal with implementation of the initiative. Basically, it would offer office space through renovation of an abandoned building in the designated area. Commissioner Smith said he would favor the idea as long as details were provided as to how the money would be spent.

Action: Approved as discussed.

5. Mizell Center

Commissioner Moore announced that a roadway had been vacated adjacent to the Mizell Center, and landscaping and parking improvements had been completed. In addition, improvements had been made at the park fronting the Mizell Center. He hoped some type of ribbon-cutting ceremony could be held in the community to showcase these improvements. The date of November 8, 2000 was suggested.

Action: As discussed.

6. Problem Properties

Commissioner Moore stated that there were some properties that were causing serious problems within the community despite efforts to address the situation. It seemed as if efforts were falling short because of limits associated with nuisance abatement laws. Mayor Naugle agreed they could only be used when there were drugs, prostitution, stolen property or gang activity.

Commissioner Moore stated that there was a property at 15th Avenue and Sistrunk Boulevard where there had been 50 crack rocks found on people in the parking lot. Just the day before, 17 crack rocks had been found, and prostitution was running rampant every day. He advised that the Police Department was making arrests, but the property could not be shut down for some reason. Commissioner Moore said the problems were occurring on the southeast and northwest portions of the property, but it had not even been placed on the Nuisance Abatement Board's agenda.

The Police Chief explained that arrests were being made, but they were primarily being made on the adjacent sidewalks rather than on the property itself. However, some high-ranking police officials were planning to visit the property owners in an attempt to address the situation. Commissioner Moore appreciated the effort, but he wanted the lobbyist to examine the issue and see if the law could be changed, perhaps by including some sort of arrest distance, to better address these types of problems.

Mayor Naugle did not believe property owners could be held responsible for actions that occurred on public property. Commissioner Hutchinson thought problems stemming from the business should be the responsibility of the property owner. Commissioner Moore pointed out that the Commission had recently been discussing problems from nightclubs in surrounding neighborhoods, and there were similar issues in this case. Commissioner Smith noted that those businesses had liquor licenses that could be placed in jeopardy.

Mayor Naugle wondered if those arrested were tenants of the building. Commissioner Moore did not know. Mayor Naugle believed there were Constitutional issues involved if those arrested were not tenants of the property. Commissioner Moore thought the lobbyist and the attorneys might be able to craft some type of ordinance to address this plague on the community because the drug dealers were being very creative in their attempts to thwart the law. Mayor Naugle suggested that area residents work together with the property owners to "camp out" on these properties to drive the problems away, just as had been done in Commissioner Smith's district. Commissioner Moore agreed that was a good idea, too, but the problems returned as soon as the neighbors left. He said he only wanted staff to explore the situation because there was more than one property causing these types of problems.

Action: As discussed.

7. DDA Roundtable

Commissioner Hutchinson felt the feedback had been positive from the roundtable discussion with the DDA on July 8, 2000. She hoped some consensus would result, and she looked forward to staff's report in September. Commissioner Hutchinson suggested that the DDA be invited to attend that meeting so they could hear the report at the same time.

Action: As discussed.

8. NCIP/BCIP Inspections

Commissioner Hutchinson reported that she had received some complaints about the NCIP/BCIP inspection process from some neighborhoods. She wondered how often inspections were conducted. Mr. Pete Witschen, Assistant City Manager, stated that inspections were conducted annually. Commissioner Hutchinson was concerned because people volunteered to clean up locations, but they were dirty again before an inspection was conducted. Mr. Witschen advised that the compliance rate was high at about 80%.

Action: As discussed.

9. Birch Las Olas Marina

Mayor Naugle said he had a question about the dockage at the Birch Las Olas Marina, and he had not received all the information he needed. Mr. Witschen advised that a report would be presented in the near future. Mayor Naugle was concerned that the City was losing hundreds of thousands of dollars in revenue because of the permit conditions imposed by the State. Mr. Witschen stated that the subject was being addressed by staff, and he would provide the necessary information.

Action: Staff to provide report.

V – City Manager Reports

1. Discrimination Complaints

The City Manager noted that there had been recent newspaper articles about the City's efforts to address various discrimination complaints. As indicated in some of those articles, the City Manager said that every complaint was taken very seriously, and thorough investigations were conducted. He wanted the Commission to know that progress had been substantial, and Ms. Cowart had prepared an annual report regarding affirmative action in hiring, etc., which would be distributed this evening so everyone would be aware of the positive steps that had been taken.

Action: Report to be distributed this evening.

OB – Las Olas River Residences

Mayor Naugle noted there were individuals present from the downtown area, and he understood there was some question about the zoning in progress associated with the downtown assignment of units. He wondered how that would affect development of the parcel just west of the Hyde Park Market site. Mayor Naugle believed the idea was that there would be some way the issue could reach the Commission to work through the zoning in progress.

The City Attorney understood the question was about the process or procedure that could be utilized to take up a project already "in the works" because a zoning in progress measure had been adopted that would apply to this project. He stated that there were three options. First, everyone could wait until the ordinance was adopted and went into effect, but that would take several months. Second, if the Commission wanted to take it up and review it as an allocation of residential units for a site plan on the waterway, it could be scheduled for the next available meeting. He stated that staff would have to put together an appropriate process for getting the information through the system and to the Commission for a hearing as if the ordinance had been adopted with a set of criteria that would just be used administratively for that one case.

Mayor Naugle asked when the ordinance would be ready for adoption. Ms. Cecelia Hollar, Construction Services Director, advised that Code changes for the Downtown Regional Activity Center were scheduled for review by the Planning & Zoning Board tomorrow. However, that Board issue had been scheduled prior to the July 8, 2000 workshop, and there had been some additional discussion in this regard. Mayor Naugle did not think anything had changed at the workshop. Ms. Hollar said that if the issue proceeded as scheduled, the ordinance could be presented for two readings in September.

Mayor Naugle said that instead of waiting until after adoption of the ordinance, the Commission could agree to have some sort of meeting on the subject based on the recommendation for the ordinance amendment. He believed the applicant would have to voluntarily accept that, and the City Attorney agreed. He also advised that the third option would be exempt a particular project from the applicability of the zoning in progress that had already reached some level.

Commissioner Katz thought the possibility of the ordinance being under review for several more months was very real. She did not think it would be fair to let them hang in "limbo" since there were hundreds of thousands of dollars at risk. Commissioner Katz thought it would be more fair to hear them ahead of time. Mayor Naugle agreed, and the Commission could hear it on the basis of the expected outcome of the ordinance. Commissioner Moore did not know how that could be possible because he could not "read a crystal ball." Commissioner Smith pointed out that some projects on the beach had moved forward under zoning in progress. The applicants had taken the risk that the changes would be acceptable. Commissioner Moore did not understand why this project should be treated any differently.

Commissioner Smith asked when the project would be ready for presentation to the Planning & Zoning Board. *Mr. Robert Lochrie*, of Sea Ranch Properties, stated that Las Olas River Residences had already gone through the DRC process and, under the existing ordinance, that would be it. However, he understood the Commission wanted to review these projects, and that what the zoning in progress called for now. Therefore, the project was in "limbo." He said the project would be held up until it "got out" of the zoning in progress. Mr. Lochrie understood the Commission had decided to take up certain projects for review in the past. He cited a hotel project on the beach as an example and said that was what he wished to see happen in this case. Mr. Lochrie wanted to present the project to the City Commission.

Mayor Naugle suggested that the ordinance be scheduled for Conference discussion on September 6, 2000, with a presentation on the project at the September 19, 2000 meeting. The City Attorney believed that could be arranged. Mr. Lochrie advised that Sea Ranch Properties was ready now and would be happy to present the project whenever the Commission wished. It was agreed.

Action: Ordinance to be placed on September 6, 2000 Conference agenda.
Las Olas River Residences to be reviewed on September 19, 2000.

Meeting adjourned at 5:27 P.M.

NOTE: A MECHANICAL RECORDING HAS BEEN MADE OF THE FOREGOING PROCEEDINGS, OF WHICH THESE MINUTES ARE A PART, AND IS ON FILE IN THE OFFICE OF THE CITY CLERK FOR A PERIOD OF TWO YEARS.